

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-232

JULIO BAUTISTA,

Defendant.

ORDER DENYING MOTION TO SUPPRESS

On September 20, 2005, the grand jury returned a two-count indictment charging Julio Bautista with distribution of cocaine on August 13, 2005, and again on September 7, 2005. Bautista filed several pre-trial motions, including a motion to suppress a statement, a motion to sever and a motion for discovery. As is the practice in this district, the motions were referred to the assigned magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). On December 28, 2005, Magistrate Judge Aaron E. Goodstein issued his order and recommendation with respect to the motions. Judge Goodstein denied Bautista's motion to sever and his motion for discovery. With respect to the motion to suppress an unsolicited statement uttered by Bautista at the time of his arrest, Judge Goodstein recommended that the motion be denied.

The ten days allowed for appeal of Magistrate Judge Goodstein's rulings or objection to his recommendation have elapsed and no appeal or objection has been filed. The court has independently reviewed the order and recommendation of Judge Goodstein and finds no error.

Accordingly, the court hereby adopts Judge Goodstein's recommendation and orders that the motion to suppress be denied.

SO ORDERED.

Dated this 24th day of January, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge